

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES T. SULLIVAN, etc.,	)	
	)	No. 07 C 1043
Plaintiff,	)	
	)	Judge Robert W. Gettleman
v.	)	
	)	Magistrate Judge Cole
RHINO ENTERPRISES, INCORPORATED, an	)	
Illinois corporation,	)	
	)	
Defendant.	)	

**MOTION FOR ENTRY OF JUDGMENT**

NOW COMES Plaintiff, JAMES T. SULLIVAN, etc., by his attorneys,  
DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, LISA M. SIMIONI, and BRIAN T.  
BEDINGHAUS, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, and move the Court to  
enter Judgment in favor of Plaintiffs and against Defendant, RHINO ENTERPRISES,  
INCORPORATED, in the amount of \$551,520.03. In support hereof, Plaintiffs state:

1. On February 22, 2007, Plaintiff filed his Complaint, pursuant to ERISA, 29 U.S.C. §§ 1132 and 1145, and LMRA, 29 U.S.C. § 185, and the Collective Bargaining Agreements ("CBA"), to obtain an audit and recover all unpaid contributions, interest, liquidated damages, professional fees and disbursements, and court costs owed to Funds.
2. On February 27, 2007, Defendant was served with copies of the Summons and Complaint. A true and correct copy of the Return of Service is attached hereto as Exhibit A.

3. Pursuant to Fed. R. Civ. P. 12(a)(2), Defendant was required to answer and appear on or before March 19, 2007.

4. On May 15, 2007, the Court found Defendant in default and ordered Defendant to produce its books and records to Plaintiff for an accounting. The Court further retained jurisdiction to enter supplemental judgments in favor of Plaintiff and against Defendant for all contributions, interest, liquidated damage, professional fees and costs due Plaintiff. A true and correct copy of the Court's Order is attached hereto as Exhibit B.

5. Plaintiff's certified public accounting firm, Legacy Professional, LLP, conducted a compliance audit of Defendant's books and records and issued a Compliance Report ("Audit"). The Audit reveals that for the period January 1, 2004, through January 14, 2007, Defendant failed to report and pay amounts due under the CBA on 20,805.38 hours of work. A true and correct copy of the Audit is attached hereto as Exhibit C.

6. Based on the Audit and ERISA, 29 U.S.C. §1132, Plaintiff's damages are:

\$262,916.47 -	Unpaid contributions per ERISA, 29 U.S.C. §1132(g)(2)(A), and §9.8 of CBA
\$123,595.02 -	Interest on unpaid contributions per ERISA, 29 U.S.C., §1132(g)(2)(B), and §9.8 of CBA, which includes \$107,820.02 set forth in Audit + \$3,943.75/month for the period 1/1/08 to 4/15/08
\$123,595.02 -	Statutory double interest per ERISA, 29 U.S.C. §1132(g)(2)(C)
\$21,033.32 -	Liquidated damages per §9.8 of CBA
\$10,888.68	Attorneys' fees and costs per §1.6 of CBA and ERISA, 29 U.S.C. §1132(g)(2)(D), through current (see Affidavit of Douglas A. Lindsay, attached as Exhibit D)

\$9,491.52 -

Audit costs per §1.6 of CBA and 29 U.S.C. §1132(g)(2)(E)  
(see Affidavit of James Kemperas, attached as Exhibit E)

\$551,520.03-

Total due as of 4/22/2008

7. A draft Order is attached as Exhibit F.

WHEREFORE, Plaintiff, JAMES T. SULLIVAN, etc., requests the Court to enter Judgment in favor of Plaintiff and against Defendant, RHINO ENTERPRISES, INCORPORATED, in the amount of \$551,520.03, and to award such other and further relief in favor of Plaintiff and against Defendant as the Court deems just.

JAMES T. SULLIVAN, etc., by his attorneys,  
DOUGLAS A. LINDSAY, JOHN W.  
LOSEMAN, LISA M. SIMIONI, and BRIAN T.  
BEDINGHAUS

By: 

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Of Counsel:  
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PROOF OF SERVICE

I served a copy of the foregoing MOTION FOR ENTRY OF JUDGMENT upon:

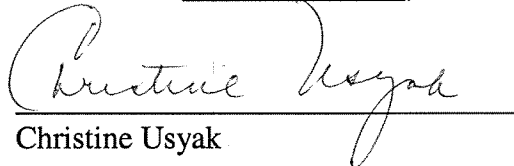
Rhino Enterprises, Incorporated  
c/o its President, Michael Brito-Amador  
1100 Gallant  
Wheaton, IL 60187

Rhino Enterprises, Incorporated  
c/o its Registered Agent, Russell A. Adkins  
1755 South Naperville Road, Suite 200  
Wheaton, IL 60187

by placing a true and correct copy thereof in a sealed envelope addressed as aforesaid, with postage prepaid, and depositing same in the United States Mail Box at 20 North Clark Street, Chicago, Illinois on March 27, 2008, before 4:30 p.m.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 27, 2008

  
Christine Usyak

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